

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

HEATHER L. KNOTT,

STIPULATION

a Justice of the Hague Town Court,
Warren County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission on Judicial Conduct (“Commission”), and the Honorable Heather L. Knott (“respondent”), who is represented in these proceedings by John C. Turi, Esq., as follows:

1. Respondent was admitted to the practice of law in New York in 1991. She had been a Justice of the Hague Town Court, Warren County, since 1994.
2. Respondent was served with a Formal Written Complaint (“Complaint”) dated September 14, 2012, containing four charges. The Complaint alleged that respondent failed to report a property damage accident and invoked her judicial status when notified by police that she was being charged for that offense, notwithstanding that she had previously been censured for similar conduct. The Complaint further alleged that respondent gave testimony to the Commission that was false and/or lacking in candor as to why she had failed to report the accident; that respondent appeared in Family Court representing a child while under the influence of alcohol, notwithstanding that she had represented to the Commission in 1999 that she

would refrain from the use of alcohol; and that respondent presided over court proceedings while under the influence of alcohol, notwithstanding her representation to the Commission in 1999 that she would refrain from the use of alcohol.

3. The Formal Written Complaint is appended as Exhibit 1.

4. Respondent enters into this Stipulation in lieu of filing an Answer to the Complaint, without admitting the allegations of the charges.

5. Respondent tendered her resignation, dated October 11, 2012, a copy of which is annexed as Exhibit 2. Respondent affirms that she vacated judicial office as of November 1, 2012.

6. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

7. Respondent affirms that, having vacated her judicial office, she will neither seek nor accept judicial office at any time in the future.

8. Respondent understands that, should she abrogate the terms of this Stipulation and hold any judicial position at any time, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

9. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

10. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (A) this Stipulation will become public upon being signed by the signatories below, and (B) the Commission's Decision and Order regarding this Stipulation will become public.

Dated: 12-4-12.

Heather L. Knott

 Honorable Heather L. Knott
 Respondent

Dated: 12-5-12

John C. Turi

 John C. Turi
 Attorney for Respondent

Dated: 12-6-2012

Robert H. Tembeckjian

 Robert H. Tembeckjian
 Administrator and Counsel to the Commission
 (Cathleen S. Cenci, Of Counsel)

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STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

HEATHER L. KNOTT,

a Justice of the Hague Town Court,
Warren County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, Heather L. Knott, a Justice of the Hague Town Court, Warren County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon respondent the annexed Formal Written Complaint; and that, in accordance with said statute, respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon her to serve the Commission at its Albany office, Corning Tower, Suite 2301, Albany, New York 12223, with her verified Answer to the specific paragraphs of the Complaint.

Dated: September 14, 2012
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: John C. Turi, Esq.
Attorney for Respondent
68 Second Street
Troy, New York 12180

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

HEATHER L. KNOTT,

a Justice of the Hague Town Court,
Warren County.

**FORMAL
WRITTEN COMPLAINT**

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Heather L. Knott ("respondent"), a Justice of the Hague Town Court, Warren County.

3. The factual allegations set forth in Charges I through IV state acts of judicial misconduct by respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

4. Respondent was admitted to the practice of law in New York in 1991. Respondent has maintained a private law practice in Hague since that time. She has been a Justice of the Hague Town Court, Warren County, since 1994. Her current term expires on December 31, 2013.

CHARGE I

5. In or about November 2008, respondent failed to report a property damage accident she had caused in Ticonderoga, New York, as required by law. When notified by a Ticonderoga police officer that she was being charged with Failure to Report a Property Damage Accident and Leaving the Scene of a Property Damage Accident, respondent invoked her judicial status, notwithstanding having been censured in 1999 for invoking her judicial status when stopped by a police officer for a traffic infraction.

Specifications to Charge I

6. Pursuant to a Determination dated June 11, 1999, respondent was censured by the Commission for, *inter alia*, invoking her judicial status when stopped by a Ticonderoga police officer for a traffic infraction.

7. On or about November 13, 2008, respondent backed her vehicle into a parked car on Champlain Avenue in Ticonderoga, New York, causing a loud crash and a noticeable dent in the driver's side of the other vehicle. Respondent drove away without getting out of her vehicle to examine the damage. Respondent did not report the accident to law enforcement authorities or to the owner of the vehicle.

8. Respondent's collision with the other vehicle was seen and heard by Angel Scuderi, who recognized respondent and reported the incident to the owner of the other vehicle, Darlene Treadway. Ms. Treadway reported the incident to Ticonderoga Police.

9. After investigation, Ticonderoga Patrolman Sean Mascarenas drew up two tickets charging respondent with Failure to Report a Property Damage Accident and Leaving the Scene of a Property Damage Accident, returnable in the Ticonderoga Town Court on December 3, 2008.

10. On or about November 25, 2008, Patrolman Mascarenas telephoned respondent as a courtesy, to inform her that she was being issued the tickets and that she could pick them up at the police station. During the conversation, respondent said that she was a lawyer and a judge, invoked the concept of "clemency" as to reporting a property damage accident and said she would speak to the District Attorney.

11. Respondent did not come to the police station to retrieve the tickets, and later in November 2008 Patrolman Mascarenas served them on respondent at her home, at which time she said to him, "You do know who I am?"

12. In or about January 2009, on consent of the Essex County District Attorney and the Ticonderoga Town Court, respondent pled guilty to and later paid a fine for Failure to Report a Property Damage Accident, in satisfaction of both charges.

13. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a

manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance her own private interest, in violation of Section 100.2(C) of the Rules; and failed to so conduct her extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that she failed to conduct her extra-judicial activities so that they did not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

CHARGE II

14. On June 4, 2012, in an appearance at the Commission in connection with its investigation of her conduct with respect to Charge I, respondent gave testimony that was false and/or lacking in candor in that she said under oath that the reason she did not report the property damage she had caused to Darlene Treadway's vehicle on November 13, 2008, was that she believed she had hit a three-to-four-foot-high snow bank, not another vehicle. Respondent so testified notwithstanding that it had not snowed in Ticonderoga in the fall of 2008, up to and including November 13, 2008.

15. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; and failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a

manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules.

CHARGE III

16. On several occasions from in or about October 2009 to in or about April 2011, respondent appeared while under the influence of alcohol in the Essex County Family Court as attorney for the child in *Rolston v Decker*, notwithstanding her representation to the Commission in 1999 that she would refrain from the use of alcohol in the future.

Specifications to Charge III

17. In April 1999, respondent signed an Agreed Statement of Facts, annexed as Exhibit A, in which she assured the Commission that she would refrain from the use of alcoholic beverages in the future. In thereafter censuring rather than removing respondent from office in 1999, the Commission relied upon respondent's representation that she would refrain from alcohol.

18. In or about October 2009, respondent was assigned by the Essex County Family Court to represent a seven-year-old child in *Rolston v Decker*, a custody and visitation matter. From on or about October 26, 2009, to on or about April 19, 2011, respondent and the parties and/or their attorneys made approximately ten appearances in court. On several of those court appearances, the odor of alcohol was detected on respondent's breath by others present, including litigant Denise Simpson and attorneys Claudia Russell and Debra Whitson.

19. On or about April 19, 2011, during a break in the *Rolston* proceedings and while the opposing counsel were negotiating a disposition in the courtroom, respondent, who smelled of alcohol, laid down on a bench in the courtroom and napped for approximately 45 minutes before a court officer roused her when proceedings were ready to resume.

20. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to so conduct her extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that she failed to conduct her extra-judicial activities so that they did not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

CHARGE IV

21. On several occasions from in or about September 2008 to in or about August 2011, respondent presided over proceedings in the Hague Town Court while under the influence of alcohol, notwithstanding her representation to the Commission in 1999 that she would refrain from the use of alcohol in the future.

Specifications to Charge IV

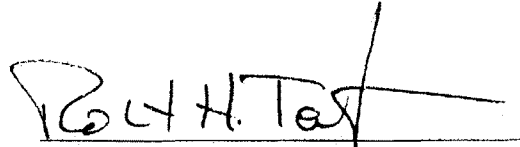
22. In April 1999, respondent signed an Agreed Statement of Facts, annexed as Exhibit A, in which she assured the Commission that she would refrain from the use of alcoholic beverages in the future. In thereafter censuring rather than removing respondent from office in 1999, the Commission relied upon respondent's representation that she would refrain from alcohol.

23. On various occasions from in or about September 2008 to in or about August 2011, when respondent presided in court, she smelled of alcohol, slurred her speech and/or had glassy eyes.

24. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; and failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: September 14, 2012
New York, New York

A handwritten signature in black ink, appearing to read "R. H. Tembeckjian", written over a horizontal line.

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT
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In the Matter of the Proceeding :
Pursuant to Section 44, subdivision 4, :
of the Judiciary Law, in Relation to :

AGREED STATEMENT
OF FACTS

HEATHER L. KNOTT, :

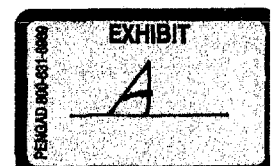
a Justice of the Hague Town Court, :
Warren County. :

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Subject to the approval of the Commission on Judicial Conduct
(hereinafter "Commission"):

IT IS HEREBY STIPULATED AND AGREED by and
between Gerald Stern, Esq., Administrator and Counsel to the Commission,
and Honorable Heather L. Knott (hereinafter "respondent"), who is represented
in these proceedings by John C. Turi, Esq., that further proceedings are waived
and that the Commission shall make its determination upon the following facts,
which shall constitute the entire record.

1. Respondent has been a Justice of the Hague Town Court since
January 1994. She is also an attorney.



CHARGE I

2. On or about May 25, 1996, when respondent was stopped by a police officer in the Village of Ticonderoga for her alleged failure to stop at a red light, respondent identified herself as the Hague Town Justice and advised the officer that the light was yellow. The officer did not issue her a ticket.

3. By reason of the foregoing, respondent failed to observe high standards of conduct, in violation of Section 100.1 of the Rules Governing Judicial Conduct; failed to avoid impropriety and the appearance of impropriety, in violation of Section 100.2(A) of the Rules Governing Judicial Conduct; and lent the prestige of her judicial office to advance her private interest, in violation of Section 100.2(C) of the Rules Governing Judicial Conduct.

CHARGE II

4. During the summers of 1994, 1995, and 1996, on various court nights, respondent was under the influence of alcohol while presiding over court. On these occasions, respondent frequently exuded an odor of alcohol, displayed red, glassy eyes, slurred her speech, had difficulty reading written materials, and occasionally made inappropriate comments, all due to the influence of alcohol.

5. By reason of the foregoing, respondent failed to observe high standards of conduct, in violation of Section 100.1 of the Rules Governing Judicial Conduct; and failed to avoid impropriety and the appearance of impropriety, in violation of Section 100.2(A) of the Rules Governing Judicial Conduct.

6. In or about July 1997, respondent was advised by her doctor that she suffered from alcoholic hepatitis and should refrain from consuming alcoholic beverages. Respondent asserts that she has abstained from the use of alcoholic beverages since that time and assures the Commission that she will continue to refrain from drinking alcoholic beverages.

IT IS FURTHER STIPULATED AND AGREED that respondent withdraws from her Answer any defenses or denials inconsistent with this Agreed Statement of Facts.

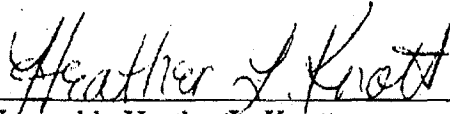
IT IS FURTHER AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is Public Censure.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose the

recommended sanction of Censure without further submission of the parties,
based solely upon this Agreed Statement. If the Commission rejects this
Agreed Statement of Facts, the matter shall proceed to a hearing, and the
statements made herein shall not be used by either the respondent or the
Commission.

Dated:

4-5-99



Honorable Heather L. Knott
Respondent

Dated:

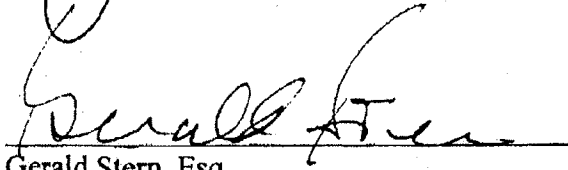
4-7-99



John C. Turi, Esq.
Attorney for Respondent

Dated:

4-8-99

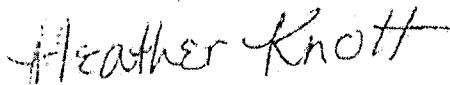


Gerald Stern, Esq.
Administrator and Counsel to the
Commission

Heather Knott
Town Justice
Hague Town Court
Hague, New York 12836

To: The Town Board of Hague;
Date: October 11, 2012
Re: Hague Justice Court

I plan to resign as the Hague Town Justice as of November 1, 2012.

A handwritten signature in cursive script that reads "Heather Knott". The signature is written in dark ink and is positioned above the printed name.

Heather Knott